## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BELLA ZUZEL, :

Plaintiff, : CIVIL ACTION

:

**v.** 

:

CARDINAL HEALTH, INC., and : No. 19-268

RGH ENTERPRISES, INC., :

Defendants.

CARDINAL HEALTH, INC., and : RGH ENTERPRISES, INC., :

Third-Party Plaintiffs,

:

v.

AIKIN HOLDING CORP., : Third-Party Defendant. :

<u>ORDER</u>

## AND NOW, this 5th day of October, 2021, it is ORDERED that:

1. Upon consideration of Defendant Cardinal Health, Inc.'s Motion for Summary Judgment, and the responses and replies thereto, and for the reasons stated in the Court's memorandum dated October 5, 2021, the Motion (Document No. 56) is GRANTED in part and DENIED in part as follows:

- a. The Motion is **GRANTED** with respect to Plaintiff's claims for failure to warn and breach of warranty of fitness for a particular purpose.
- b. The Motion is **DENIED** with respect to Plaintiff's claims for defective design and breach of implied warranty of merchantability.
- 2. Upon consideration of Defendant Cardinal Health, Inc.'s Motion *in Limine* to Exclude Certain Opinions of Jonathon Z. Schuch, Plaintiff's response, and for the reasons stated in the Court's memorandum dated October 5, 2021, the Motion (Document No. 60) is

**DENIED without prejudice**. Any deposition of Plaintiff's expert shall be completed by **November 16, 2021.** 

3. Upon consideration of Defendant Cardinal Health, Inc.'s Motion to Strike, or in the Alternative, for Leave to File Reply in Support of Motion for Summary Judgment, and the response thereto, the Motion (Document No. 78) is **GRANTED** to the extent it is a Motion for Leave to file Reply and **DENIED** to the extent it is a Motion to Strike.

**BY THE COURT:** 

Berle M. Schiller, J.